IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CRIMINAL NO. 1:04CR74-3

UNITED STATES OF AMERICA)	
VS.)	<u>ORDER</u>
FRANKIE LEE GREER)))	

THIS MATTER is before the Court on the Defendant's motion to reconsider the denial of bond pending sentencing.

Defendant claims that he has secured proof that a prior felony drug conviction was voluntarily dismissed. Thus, instead of facing a mandatory minimum sentence of 20 years imprisonment for his guilty plea to the charge of conspiracy to possess with intent to distribute 1.5 kilograms of methamphetamine, he now faces a mandatory minimum sentence of 10 years. And, he has made a proffer to the Government which may result in a motion for a downward departure.

Neither of these circumstances changes the statutory mandate that a defendant who has admitted guilt to the charge at hand shall be detained pending sentencing unless one of three situations exists. None of those situations exist and the Defendant shall remain in custody.

IT IS, THEREFORE, ORDERED that the Defendant's motion to reconsider is hereby **DENIED**.

Signed: August 23, 2005

Lacy H. Thornburg United States District Judge